

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BILLY HOWARD,)	Case No.: 1:21-cv-0931 JLT CDB (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS DISMISSING THE
v.)	CLAIM AGAINST DEFENDANT KERN COUNTY
)	LERDO FACILITY MEDICAL CHIEF, AND
KERN COUNTY LERDO FACILITY)	DIRECTING THE CLERK OF COURT TO
MEDICAL CHIEF, et al.,)	UPDATE THE DOCKET
)	
Defendants.)	(Doc. 19)
)	

The assigned magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim against the Kern County Jail Lerdo Facility Medical Chief, but alleged facts sufficient to state a claim for "deliberate indifference to serious medical needs against the facility nursing staff defendants." (Doc. 16 at 7.) Plaintiff was offered an opportunity to amend his complaint or proceed only on the cognizable claim. (*Id.* at 9.) On December 1, 2022, Plaintiff notified the Court of his willingness to proceed without amending the complaint. (Doc. 17.)

On December 5, 2022, the magistrate judge recommended the claim against the Chief Medical Director be dismissed, and the action proceed on Plaintiff's claim for deliberate indifference to serious medical needs claims against facility nursing staff. (Doc. 19.) The Court allowed Plaintiff 14 days from the date of service to file any objections to the Findings and Recommendations. (*Id.* at 2.) To date, he has not done so, and the time to do so has expired.

1 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this case.
2 Having carefully reviewed the file, the Court concludes the Findings and Recommendations to be
3 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on December 5, 2022 (Doc. 19) are
5 **ADOPTED** in full.
- 6 2. The claim against defendant “Kern County Lerdo Facility Medical Chief” is
7 **DISMISSED**.
- 8 3. The “Kern County Lerdo Facility Medical Chief” is **DISMISSED** as a defendant.
- 9 4. The Clerk of Court is **DIRECTED** to update the docket and terminate “Kern County
10 Lerdo Facility Medical Chief” as a defendant.
- 11 5. The action shall proceed upon Plaintiff’s claim of deliberate indifference to serious
12 medical needs against facility nursing staff.
- 13 6. The matter is referred to the assigned magistrate judge for further proceedings.

14
15 IT IS SO ORDERED.

16 Dated: **December 28, 2022**


UNITED STATES DISTRICT JUDGE